

**Florida's Request To Assume Administration of a Clean Water Act Section 404 Program
(85 FR 57853, September 16, 2020) EPA-HQ-OW-2018-0640**

Code 1b Program Description

Program description is not full and complete

Commenters (0218, 0336) opposed the Florida assumption because the state's application is not full and complete.

Commenter (0218) noted that critical aspects of the program are not present in sufficient detail, which makes it difficult for EPA and the public to assess the sufficiency of the program. Commenter (0218) cited the State 404 Program Applicant's Handbook, which says the state "may" use various resources to determine a project's impact to listed species, but the commenter says that the anticipated process has changed and that the Florida Fish and Wildlife Conservation Commission will be making the initial listed species determinations.

Commenter (0336) says that the state's Section 404 program does not guarantee that it is as stringent as the current program. Commenter (0336) also pointed out that the state program does not have a sufficient list of retained waters and does not demonstrate that FDEP has sufficient resources to carry out the necessary work.